

AMENDMENTS TO THE DRAWINGS

The attached two (2) sheets of drawings include changes to Figures 1 and 2. These sheets, which include Figures 1 and 2, replace the original two (2) sheets including Figures 1 and 2.

Attachment: Replacement Sheets (2)

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 3-9 and 14-17 are pending in the present application. Claims 1, 3, 4, 5, 6, 8, 9 and 14-17 are amended. Claims 2, 10-13 and 18 are cancelled.

Priority Document

Applicants are obtaining a certified copy of the priority document and will file the certified copy with the United States Patent and Trademark Office (USPTO) once the document is obtained.

Drawings

The Examiner asserts that "Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated."¹ Replacement sheets for Figures 1 and 2 are submitted, which include a "Conventional Art" legend. Accordingly, Applicants respectfully request that the Examiner indicate that all of the drawings have been accepted by the USPTO in the next communication.

Claim Rejections under 35 U.S.C. § 112

Claims 2-4, 5, 13 and 16 stand rejected under 35. U.S.C. § 112, second paragraph, as indefinite. The claim amendments shown in the preceding section of this Amendment are believed to address the Examiner's concerns expressed in paragraph 4 of the Office Action.

Therefore, Applicants respectfully request that the rejection to claims 2-4, 5, 13 and 16 under 35 U.S.C. §112, second paragraph be withdrawn.

¹ Office Action mailed August 7, 2006, page 2, lines 7-9.

Claim Rejections under 35 U.S.C. §§ 102 and 103

(I) Claims 1-3, 5, 6 and 10-16

Claims 1-3, 5-6 and 10-16 stand rejected under 35 U.S.C. 102(b) as anticipated by Ueda et al. (U.S. Patent No. 6,289,102, herein Ueda). Applicants respectfully traverse this rejection.

(a) Claims 1-3, 5 and 6

Amended independent claim 1 recites, *inter alia*, “**at least one playback allowance code**, which is adapted **to determine region-based allowance of playback of data** recorded on the recording medium; ...,wherein **the at least one of the address unit number and the user data is scrambled by being logically combined with said at least one playback allowance code**.” As described regarding an example embodiment of the present invention, a playback allowance code in the form of a ciphering key may be associated with a geographical region and thus, may be used to determine region-based allowance of playback of data recorded on the recording medium.² Further, claim 1 specifies that the playback allowance code is combined with an address unit and/or user data. Applicants respectfully submit that at least the above-emphasized features of independent claim 1 patentably distinguish claims 1, 3, 5 and 6 over Ueda as detailed below.

Ueda is directed to an apparatus and method for preventing unauthorized use of information recorded on a recording medium. The Examiner asserts that the Abstract and column 2, lines 28-32 of Ueda disclose all of the features included in rejected claims 1-3, 5 and 6. The Abstract merely states that key information recorded in the lead-in area of a disc may be used to descramble scrambled data stored in a data recording area. The Examiner asserts that this “key information” corresponds to the “at least one playback allowance code” of the claimed invention. Column 2, lines 28-32 merely states that a disc appropriate for one

country may be ethically inappropriate for another country and thus, “a mechanism is required which allows a disk which causes an ethical problem to be reproduced only in a specific country where the sale thereof is permitted.”

Initially, Applicants respectfully note that “key information” is a generic term used to describe the specific “mechanisms” described in Ueda for controlling playback of data on a recording medium, which involves the use of indicators, tables and keys. The mechanisms are primarily based on providing indicators in the lead-in area of the disk that identifies the scrambling and descrambling information. For example, indicators may be used in the lead-in area of disc to identify one of a plurality of tables, stored either on a disc or in a reproducing apparatus, to be used for scrambling or descrambling data stored in a data recording area as third embodiment of Ueda described in columns 13-17. In this third embodiment, the indicators and selection of the appropriate table is the mechanism used to determine when playback is authorized or not. As another example, the seventh embodiment uses indicators referred to as Copy Generation Management System (CGMS) data to control reproduction as described in columns 27-39. While various keys (e.g., mutual authentication key, seed key, bus key, title key, encrypted disk key) are described in Ueda, none of these keys are indicated as being region specific, much less combined with an address unit number or user data. As such, Applicants respectfully submit that the “mechanisms” described in Ueda are based on indicators in the lead-in area of a disc and thus, are fundamentally different from the claimed invention.

In light of the above, Applicants respectfully submit that neither the generic term “key information” as used in Ueda, nor any of the keys described Ueda, disclose, teach or suggest the at least one playback allowance code recited in amended independent claim 1 that is both used “to determine region-based allowance of playback of data” recorded on the recording medium,” and logically combined with “the at least one of the address unit number and the user data.” Further, Applicants respectfully note that the Examiner has made no attempt to

² Applicants’ specification, at least on page 6, lines 1-20.

identify what portion of Ueda is believed to disclose the address unit number or user data recited in the claims.

As such, Applicants respectfully submit that claims 1, 3, 5 and 6 are patentably distinguished over Ueda.

(b) Claims 14-16

Amended independent claim 14 recites features somewhat similar to independent claim 1. In particular, claim 14 recites a method of recording data including “selecting a region-based playback allowance code ...; and scrambling at least one of a user data and an address unit based on the selected region-based playback allowance code.” Claims 15 and 16 depend from claim 14.

As discussed above, Ueda indicates that a disc appropriate for one country may be ethically inappropriate for another country and thus, a mechanism is required which allows a disk which causes an ethical problem to be reproduced only in a specific country where the sale thereof is permitted. However, the “mechanisms” of Ueda do not disclose, teach or suggest a region-based playback allowance code, much less a method including selecting a region-based allowance code and scrambling user data and/or an address unit based on the region-based playback allowance code.

As such, Applicants respectfully submit that claims 14-16 are also patentably distinguished over Ueda.

Therefore, Applicants respectfully request that the rejection of claims 1-3, 5-6 and 10-16 under 35 U.S.C. 102(b) as anticipated by Ueda be withdrawn.

(II) Claims 7-9

Claims 7-9 stand rejected under 35 U.S.C. 102(b) as anticipated by Ueda. In particular, the Examiner cites column 32: step 1400 and asserts the following:

The disk key is region-based because it itself can only be decrypted if the apparatus possesses the correct master code, which is stored in the apparatus, and thus can be restricted by region, as in column 2, lines 25-40).

It appears from the above statement that the Examiner is asserting that it is inherent that the disk key could be region-based because the background section of Ueda describes a desire for a “mechanism” related to allowing playback in one country and not another, and a seventh embodiment, which is described 30 columns of text later, describes a disk key.

However, as discussed above, Applicants respectfully submit that there is no indication in Ueda that any of the keys described in Ueda are region-specific. Instead Ueda is based on providing indicators (the CGMS control information in the seventh embodiment of Ueda) in the lead-in area of the disk. There is no disclosure, teaching or suggestion that the disk key, which may be used to decrypt the encrypted section header containing the indicators is region-based.

As such, Applicants respectfully submit that seventh embodiment of Ueda also fails to disclose, teach or suggest a “region-based playback allowance code,” much less a method for reproducing data based on the “region-based playback allowance code,” as recited in claims 7-9.

Therefore, Applicants respectfully request that the rejection of claims 7-9 under 35 U.S.C. § 102(b) as anticipated by Ueda be withdrawn.

(II) Claims 1 and 10-13

Claims 1 and 10-13 stand rejected under 35 U.S.C. § 102(b) as anticipated by Yonemitsu et al. (U.S. Patent No. 5,903,705, herein Yonemitsu). Applicants respectfully traverse this rejection as detailed below.

Initially, Applicants respectfully note that claims 10-13 have been cancelled thereby rendering the rejection to claims 10-13 moot.

The abstract of Yonemitsu recites that “if the territory code of the recording medium includes the inner territory code of the decoding unit, the recording medium is decoded and reproduced.” However, neither the territory code of the recording medium nor the inner territory code of the decoding unit is logically combined with user data or an address unit number.

Accordingly, Yonemitsu at least fails to disclose, teach or suggest a high density recording medium, “wherein the at least one of the address unit number and the user data is scrambled by being logically combined with said at least one playback allowance code,” as recited in amended independent claim 1.

Therefore, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by Yonemitsu be withdrawn.

(III) Claims 4, 17 and 18

Claims 4, 17 and 18 stand rejected under 35 U.S.C. 103(a) as unpatentable over Ueda in view of Reed (U.S. Patent Publication No. 2002/0111993). Applicants respectfully traverse this rejection as detailed below.

Applicants respectfully submit that Reed fails to cure the deficiencies of Ueda discussed above with respect to amended independent claim 1 and independent claim 14. As such, because claim 4 depends from claim 1, and claim 17 includes features somewhat similar to claim 14; Applicants respectfully submit that claims 4 and 17 are allowable over the combination Ueda and Reed for at least the same reasons that claims 1 and 14 are allowable over Ueda. Applicants also note that claim 18 is cancelled.

Therefore, Applicants respectfully request that the rejection of claims 4, 17 and 18 under 35 U.S.C. § 103(a) as unpatentable over the combination of Ueda and Reed be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of this application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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